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DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 March 1997]

China and Tibet

1. China continues to violate the right to freedom of religion. Any religious body not registered with the government Religious Affairs Bureau is automatically illegal, and members are subject to arrest, economic loss, "re-education", and occasionally torture. The State restricts training of religious personnel in Christian seminaries and Buddhist monasteries and nunneries, the publication, distribution and sale of religious materials, and the observance of religious holidays. It also interferes in the financial affairs, social welfare activities and educational practices of religious bodies. Religious instruction is prohibited to those under 18 years of age, and Communist Party members do not have the right to have a religion.

2. In 1996, the Government stationed "spiritual civilization propaganda" teams in areas with known "underground" Catholic populations to supervise mass arrests and restrict the ability of villagers to come together from different areas for religious purposes. In Jiangxi province, some 80 Catholics, from teenagers to the elderly, were arrested without warrants, beaten and jailed as part of an operation to "eradicate the illegal activities" of the

Catholic Church. The goals of that operation included registering a file on every local and transient Catholic, and forcing every "underground" Catholic to write a letter renouncing ties to the unofficial Church and to join the official State-sponsored Church. Teams in Donglu, Hebei province, even razed a prominent Marian shrine. In April, in Shanghai, authorities closed over 300 Christian places of worship.

3. In Tibet, the Chinese Government called for a "clean-out" of Buddhist monasteries. Documents from on-site re-education teams confirm that monks with "bad attitudes" have been imprisoned, and at least two were tortured to death. A stepped-up campaign to discredit the Dalai Lama continued, with a ban on the display of his picture. Chinese authorities admitted that a seven-year-old boy named Gendun Choekyi Nyima, identified by the Dalai Lama as the eleventh Panchen Lama, is under "government protection", his whereabouts unknown. Yulo Dawa Tsering, Tibet's leading dissident, who is technically on parole, is actually under house arrest.

4. Human Rights Watch calls on the United Nations Commission on Human Rights to urge China to bring all domestic legislation into line with article 18; to implement the recommendations made by the Special Rapporteur on religious intolerance after his November 1994 visit; to rescind all official restrictions on religious practices, including registration procedures; to release all those held for their religious activities; and to investigate all reported incidents of violence against religious practitioners and to punish those responsible for abuses.

Indonesia

5 Indonesia, the world's largest Muslim country, has long been known for religious tolerance, but a series of riots in late 1996 when Christian churches became the target of mob fury, with several resulting deaths, suggests that the climate has radically changed.

6. In Indonesia, the charge of blasphemy is increasingly used to punish religious and political dissent. In 1995, a well-known mystic, Permadi, was convicted of blasphemy for agreeing with a suggestion during a question-and-answer session at an academic seminar that the Prophet Mohammed was probably authoritarian; it was probably Permadi's sarcastic remarks about senior Indonesian officials at the seminar that got him arrested, but the blasphemy charge enabled officials in Jakarta to score points with Muslim organizations. Likewise, in 1996, a Muslim student named Saleh from Situbondo, East Java, who suggested that a local Muslim leader had not died a "pure" death according to Islamic law, was arrested for blasphemy, at the insistence of another local Muslim teacher who had taken offence at Saleh's remarks. Had Saleh not been detained, the fuss would have quickly died away. But his trial created a public event around which different groups could organize, and on 10 October, when the prosecutor demanded the maximum sentence of five years, a mob began demanding that he be given the death sentence and started stoning the courtroom. The rioters then started systematically attacking Christian churches and by the end of the day, 27 churches were destroyed or damaged and 5 people had been killed. Eyewitnesses say the first troops appeared on the scene only four and a half hours after the disturbances began, and evidence suggests that the main group of rioters came in on

motorcycles from a town several hours away. Rioters were later taken by truck to attack churches in neighbouring towns; security forces did not try to stop them nor were the trucks impounded or their drivers questioned after the event. While several alleged rioters were arrested and prosecuted, most recanted their testimony in court saying they had been tortured. In December, a similar riot broke out in West Java, following the torture by police of three Muslim teachers, with Christian churches again the target.

7. Indonesian State policies have created the climate in which these kinds of communal clashes are taking place. Whether or not Indonesian security forces were directly involved in either riot as some observers allege, the reluctance of officials at the local and national levels to be seen to be resisting hard-line Muslim demands is fostering intolerance. It is important to note that in the cases described above, Muslims have also been the victims, whether arrested for blasphemy or wrongfully detained and tortured by police.

8. Human Rights Watch calls on the Commission on Human Rights to urge the Indonesian Government to invite the Commission's Special Rapporteur on religious intolerance to visit Indonesia in 1997.

The Baha'i Community in the Islamic Republic of Iran

9. The world's largest Baha'i community, numbering over 300,000, is found in Iran, making Baha'is the country's largest non-Muslim community. The Baha'i community has had uneasy relations with Iran's rulers throughout its history. In addition to being maligned as religious heretics, they have often been accused of being agents of foreign powers sent to divide Muslims.

10. Since the founding of the Islamic Republic, authorities have referred to Baha'is as a deviant or misguided sect. There is severe persecution of individual members of the Baha'i community and little or no toleration of organized religious activities within the Baha'i community. Since 1983 Baha'i assemblies have been banned, and participation in Baha'i activities, such as festivals or acts of worship in private homes, is liable to prosecution.

11. Baha'is are sometimes charged with apostasy even though it is not a crime under the Penal Code of the Islamic Republic. The Revolutionary Courts usually cite legal exegesis by Ayatollah Khomeini, rather than any existing legal statute of the country. Meanwhile, the Baha'i organization remains illegal in Iran and "engaging in Baha'i activities" remains a crime, belying government claims that it respects the religious freedom of Baha'is.

12. Baha'is experience discrimination in education, professional life, and virtually every public sphere. Official directives concerning enrolment at universities, quoted in 1996 by the United Nations Special Rapporteur, Abol-Fath Amor, state that Baha'is "should be expelled from the universities, either at the time of the admission procedure or during their studies, as soon as it becomes apparent that they are Baha'is". Similarly, in the field of public-sector employment, a directive from the Ministry of Labour and Social Affairs, also quoted in the Special Rapporteur's report, states:

> "The penalty incurred by those who belong to any of the misguided sects recognized by all Muslims as heretical deviations from Islam, or to organizations whose doctrine and constitution are based on rejection of the divinely-revealed religions shall be permanent dismissal from public office ... and also from organizations that can be classed as governmental associations or offices ... ."

13. In 1996, death sentences were imposed on followers of the persecuted Baha'i faith for the first time since 1992. A revolutionary court in Yazd sentenced Zabihullah Mahrami to death for apostasy in January 1996. K. Mahrami had announced his conversion to Islam during the early days of the revolution in the hope of avoiding trouble for his family, but after arranging for his daughter to marry a Baha'i believer, the court sentenced him to death. The Supreme Court confirmed death sentences for Keyvan Khalajabadi and Bahman Mithaqui, imprisoned since 1989 for taking part in Baha'i activities.

14. Human Rights Watch calls on the Commission on Human Rights to urge the Iranian Government to review and bring all domestic legislation into conformity with international law, including article 18 of the International Covenant on Civil and Political Rights, which guarantees not only freedom of belief, but also the right, "individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching". The Government should eliminate all forms of de jure and de facto discrimination on the basis of a person's religious faith, and ensure that all Iranians are protected from prosecution or discrimination solely on account of the peaceful expression of religious beliefs. The Commission should seek the immediate release of all those in prison for practising their religious faith.